

MARZEC LAW FIRM, P.C.

DARIUS A. MARZEC IS LICENSED TO PRACTICE LAW IN: NEW YORK
NEW JERSEY • CONNECTICUT • MASSACHUSETTS • PENNSYLVANIA
WASHINGTON, D.C. • ILLINOIS • FLORIDA • CALIFORNIA • HAWAII

BROOKLYN OFFICE
776A Manhattan Avenue, Suite 104
Brooklyn, NY 11222
Phone: (718) 609-0303
Facsimile (718) 841-7508
dmarzec@marzeclaw.com

VIA ECF

MEMO ENDORSED

July 11, 2023

Honorable Edgardo Ramos
United States District Court
Southern District of New York
40 Foley Square, Courtroom 619
New York, New York 10007

Re: Weingeist v. Tropix, Inc., et al.
1:20-cv-00275 (ER) (SLC)

Plaintiff is granted leave to file the motion to compel Baeza to respond to the post-judgment discovery demands. SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: July 11, 2023

New York, New York

Dear Judge Ramos:

We represent Plaintiff Rachel Weingeist ("Defendant" or "Ms. Weingeist") in the above-referenced action. As Your Honor is aware, the Court entered a default judgment in favor of Plaintiff and against Defendants Tropix Media and Entertainment, Tropix Holdings, LLC, Tropix, Inc. (collectively "Corporate Defendants") and Mario Baeza ("Mr. Baeza") (collectively "Defendants") on March 2, 2023 in the sum of \$103,072.51 (Dkt. Doc. No. 159). Thereafter, Plaintiff served post-judgment discovery, including Subpoenas with Restraining Notices on various banks. On May 5, 2023, Plaintiff also served upon Mr. Baeza personally Request for Production of Documents and Interrogatories. As of the date of this letter, Mr. Baeza has not replied to any of the post-judgment discovery demands served upon him despite having filed a Notice of Appeal of the Default Judgment entered against him on April 3, 2023 (Dkt. Doc. No. 161). Mr. Baeza's Notice of Appeal has not yet been perfected and no Appellate Brief has been filed. No stay of this action has been issued.

Accordingly, Plaintiff respectfully requests a pre-motion conference pursuant to Rule 37(a)(1) of the Federal Rules of Civil Procedure ("FRCP") to file a Motion for an Order compelling Mr. Baeza to respond to Plaintiff's post-judgment discovery demands served upon him more than two months ago on May 5, 2023. Undersigned counsel has attempted to confer with Mr. Baeza in good faith to comply with the post-judgment discovery demands served upon him in an effort to obtain it without court action.

The Court should also note that Defendants failed to respond to discovery demands served upon their prior counsel during the pendency of this action. Accordingly, pursuant to Your Honor's Individual Practices § 2Aii, Plaintiff respectfully requests a pre-motion conference to file a motion to compel pursuant to Rule 37(a)(1) against Mr. Baeza regarding his non-compliance with post-judgment discovery demands served upon him on May 5, 2023.

Respectfully,
/s/ Jerome Noll
Jerome Noll

CC: All counsel of record and Mario Baeza via email and ECF